

Council Meeting - Agenda

CITY COUNCIL CALENDAR

Thursday, January 11, 2007 - 7:00 p.m.

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OPENING OF SESSION BY: COUNCIL PRESIDENT LEO R. PIMENTAL

PRAYER LED BY

REVEREND ROBERT OLIVEIRA, PASTOR,

HOLY NAME OF THE SACRED HEART CHURCH

AND NEW BEDFORD FIRE DEPARTMENT CHAPLAIN

PLEDGE OF ALLEGIANCE

COUNCILLOR WARD FIVE JANE L. GONSALVES

CITATIONS

1. CITATIONS, Councillor Gomes, joined by the full City Council, honoring FIRST RESPONDERS and HEROES Involved in the Tragedy of Events that Occurred at the Foxy Lady Establishment in the Early Morning Hours of DECEMBER 12, 2006.

2. CITATION, Councillor Gomes, honoring OFFICER JOSE LEBRON, in recognition of his Quick Action in SAVING THE LIFE OF A CHILD by the use of the Heimlich Maneuver on December 26,

2006.

3. CITATION, Councillor Gomes, honoring GOVERNOR DEVAL PATRICK, in recognition of his KEYNOTE SPEECH IN CELEBRATION OF MARTIN LUTHER KING DAY, in the City of New Bedford, MA, on JANUARY 14, 2007.

RESOLUTIONS

4. RESOLUTION, Councillors Gonsalves and Gomes, honoring PENNY BREWER, Owner of BREWER BANNER DESIGNS for HER GENEROUS DONATIONS TO THE CITY OF NEW BEDFORD.

HEARINGS

5. HEARING, on the DISCONTINUANCE OF A PORTION OF REYNOLDS STREET, from a parallel line 25 feet north of the northerly line of Sawyer Street, north 129.7 feet.

5a. AN ORDER,

5b. COMMUNICATION, Associate Solicitor Frias, responding to City Council Order, submitting LAYOUT ORDER for the DISCONTINUANCE of a portion of REYNOLDS STREET, from a parallel line 25 feet north of the northerly line of Sawyer Street, north 129.7 feet, with a Utility Easement to be retained by the City of New Bedford, in perpetuity, for constructing, maintaining, replacing or repairing the present sewer main, water main and such other utilities as are present therein, or as may be required in the future. (To be Received and Placed on File.)

MAYORS PAPERS

M1. COMMUNICATION, Mayor Lang, to City Council, submitting a copy of the City of New Bedford's Natural Hazard Disaster Mitigation Plan November 2006, developed by Pre-Disaster Mitigation Planning Committee and Approved by the Mayor on November 30, 2006, and requesting favorable consideration and adoption of the plan by the City Council.

M1a. COMMUNICATION/PACKET, City of New Bedford Natural Hazard Disaster Mitigation Plan – November 2006.

M2. COMMUNICATION, Mayor Lang, to City Council, submitting AN ORDER, transferring \$5,563.00 from CEMETERY, CAPITAL OUTLAY, to CEMETERY, SUPPLIES & MATERIALS.

M2a. AN ORDER,

NEW BUSINESS

6. LOAN ORDER, Appropriating **\$1,100,000** for the following purposes: (a) constructing two aircraft maintenance hangars at the New Bedford Regional Airport and site improvements related thereto, including, but not limited to, the construction of a bituminous concrete driveway and ramp, the construction of an auto parking area, septic system repairs and architectural and engineering costs in connection therewith; and (b) acquiring a leasehold or other interest in the property on Shawmut Avenue adjacent to the New Bedford Regional Airport (formerly known as the Plumber's Building) currently owned by the Economic Development Council for the purposes of the New Bedford Regional Airport: and that to meet this Appropriation, the Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to borrow **\$1,100,000** under Chapter 44 of the General Laws or any other enabling authority; that the Mayor is authorized to take any other necessary action to carry out this project; and that the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all the bonds and to provide such information and execute such documents as the Board may require for these purposes; **this Order of Appropriation and Authorization shall become effective upon City Council approval of a signed lease agreement for the North Ramp Hangar I.**

7. WRITTEN MOTION, Councillors Alves and Koczera, requesting on behalf of Auto Globe Garage, that the ZONING of 6 HATHAWAY STREET, Plot 100, Lot 112, be changed from Industrial (21NB) to MIXED-USE BUSINESS. (To be referred to the Planning Board and the Committee on Ordinance.)

8. WRITTEN MOTION, Councillor Gomes requesting that the City Council go on record and send a letter expressing our opposition to any increase of the Comcast Cable Rates (3%) at this time; and further, that the City Council once more request that Comcast consider putting back the Local Cable News programming that has been eliminated and that has been so detrimental to its public service in the City of New Bedford.

9. WRITTEN MOTION, Councillor Gomes, requesting that the Governor and State Treasurer look into the possibility of using any surplus funding for the purpose of helping Cities and Towns across the Commonwealth to relieve the burden of the tax increases that their Citizens are facing due to the Increased Valuations and Tax Increases and which our Seniors and other Homeowners simply cannot handle at this time, causing many to sell and/or lose their homes to foreclosure.

10. WRITTEN MOTION, Councillor Pina, requesting, on behalf of Our Lady of the Assumption Church, and neighbors surrounding the Church, that the tree across from the Church on Joli Gonsalves Way, be removed as soon as possible; the tree is dead, and is marked "To be removed," and neighbors are concerned because one tree already fell and damaged a neighbor's fence, and that person has not been reimbursed for damages by either the City or private insurance.

11. WRITTEN MOTION, Councillor Coelho, requesting, at the beginning of South Second Street, between Division and Cove Streets, that eight (8) garbage receptacles be installed, two (2) per block on

opposite sides of South Second Street, due to the fact that there are two Central Food Markets in that area, in addition to the Dennison Memorial Community Center located there, and, since many children utilize these 3 blocks, this area needs special attention by the City's street sweeping crew; and further, that Division Street name signs be placed on the street, including the corners of County Street.

12. WRITTEN MOTION, Council President Pimental, requesting that the ZONING of 83 Cleveland Street, Plot 14, Lot 224, be changed from RESIDENTIAL "C" to MIXED-USE BUSINESS. (To be referred to the Planning Board and the Committee on Ordinances.)

13. WRITTEN MOTION, Councillor Pina, requesting that the Administration establish a Civilian Review Board comparable to the one already in place in Providence, Rhode Island.

14. WRITTEN MOTION, Councillor Alves, asking that the City Council request the presence of the City Auditor, City Treasurer, and representatives of the City Assessors Office and the Private Audit Company that performed the Audits for the years 2004, 2005 and 2006, to appear before the City Council "Committee on Audit" to explain and respond to the recent comments from the Department of Revenue noting that the City had overdrawn without City Council approval or appropriation over \$1,171,875, and what systems/regulations have been put in place to ensure that the situation does not happen again; and further, that the parties also come prepared to explain the over \$2.6 million difference between the City's Cash-on-Hand Account and the City's Financial Records; also requesting that the Committee on Audit Chairperson make the issue a priority and place it on the next Committee meeting agenda.

15. WRITTEN MOTION, Councillor Alves, asking that, in effort to ensure the safety of the numerous flight students, and the private, commercial pilots using our New Bedford Regional Airport, that the City Council request the Mayor and the Airport Commission to seek the assistance and support of the Bristol County Sheriff to provide a work force crew to cut and/or trim the extensive plants, shrubbery, undergrowth, bushes and foliage that have been allowed to grow over and around the safety runway lights at the airport, causing the FAA to restrict the airport from using the lights until the problem is addressed and corrected; this restriction is creating a danger to airplanes, passengers, students and public safety, and is creating a potential liability to the City of New Bedford.

16. WRITTEN MOTION, Councillor Alves, asking that the City Council request the Mayor and the Park Board to investigate and evaluate the limited use of the tennis courts at Brooklawn Park because of the poor condition of the playing surface; and further, that the City Council request, on behalf of the Tennis Players who use or would like to use the courts, that the Park Department consider the resurfacing of at least the 3 tennis courts closest to the parking area.

17. WRITTEN MOTION, Councillor Alves, requesting that the Department of Inspectional Services investigate if the property at 369 Cottage Street is being used as a rooming house on either the first or third floor, or if the third floor area has been rented as a separate rental unit, in violation of the current zoning laws of which the property owners are aware in that the property has been cited for violations

for just such use in the past and the owners were made aware of the restrictions placed on the use of the structure in such a manner; and further, that the D.I.S. Commissioner report back to the City Council, in writing, within 10 days their findings following the investigation.

18. WRITTEN MOTION, Councillor Gomes, requesting that the Chief Financial Officer provide the Committee on Finance with a breakdown of last year's revenues generated from property taxes in the City of New Bedford; and further, that the projected revenue for the 2007 property tax also be provided to the Committee on Finance.

19. COMMUNICATION, Councillor DeMedeiros, submitting Notice of Action Taken on Zoning Variance Petition regarding Special Permit to operate a Boarding House at 65 Reynolds Street, 94 Clark Street and 73 State Street. (All Withdrawn Without Prejudice.)

20. COMMUNICATION, City Solicitor Schall, responding to Council President Pimental, regarding the AFSCME-Local 851 DENTAL PLAN for nonunion City employees, stating no commitment and further discussions to follow in the spring.

21. COMMUNICATION, DEP, Southeast Regional Office, to Mr. Bill Davis, President and CEO of Ze-gen, Inc., regarding Ze-gen Air Quality Plan approval at New Bedford Waste Systems. (Submitted by Councillor Alves.)

22. COMMUNICATION, DPF Superintendent of Parks and Public Places Kenneth Blanchard, responding to Councillors Koczera, Coelho and DeMedeiros' Motion regarding illegally dumped items in the City's North End, stating has been action taken to remove all items.

23. COMMUNICATION, DPF Superintendent of Parks and Public Places Kenneth Blanchard, responding to Councillors Koczera, Coelho and DeMedeiros' Written Motion on Council Agenda of 12/21/06, regarding numerous locations containing illegally dumped items, stating that cleanup has been completed at those sites and others observed in same area, and thanking Ken Resendes of the Bullard Street Neighborhood Association for their assistance in bringing this to the attention of City Officials.

24. COMMUNICATION, Treasurer/Collector/CFO Dan Patten, to All Department Heads, Members of the City Council, New Bedford School Department and School Committee, re: Unauthorized Bank Accounts.

25. COMMUNICATION AND EMAIL, Office of Housing & Community Development Director Patrick J. Sullivan, to City Council Re: Community Outreach Meetings January 10th and 11th, 2007. (Copies provided for all Councillors and email copied for all Councillors 01/04/06.)

TABLED BUSINESS

02/23/06 WRITTEN MOTION, Councillor Saunders, requesting RECONSIDERATION on the matter of the COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007. (Appointment Confirmed – Yeas 11, Nays 0 at the regular City Council Meeting on February 09, 2006 Agenda.) (Note: This Item, which is Item #L14 on Late File Agenda was confirmed on a Substitute Motion by Councillor Morad, which was allowed, and Appointments Confirmed on Items L8, L10, L11, L12, L14, L16, L31 and L33.)

02/23/06 COMMUNICATION, Mayor Lang, to City Council, submitting for approval the RE-APPOINTMENT of JOSE GOUVEIA, 112 Bryant Lane, New Bedford, MA, to the HARBOR DEVELOPMENT COMMISSION, whose term expired December 2001. This appointment will expire December 2007.

05/11/06 CITATIONS, Councillors Gonsalves and Pina, honoring Sgt. Jill Simmons, Officer Bryan Safioleas, Officer Daniel Amaral, Officer Joseph Krisnosky, Jr. and Officer Dean Lawrence of the NEW BEDFORD POLICE DEPARTMENT who, on TUESDAY, MAY 02, 2006, RESUSCITATED A 15 YEAR OLD VICTIM suffering from a Gunshot Wound.

06/22/06 CITATIONS, Councillor Pina, honoring the Nativity Prep Students: Rashard Perry, Benjamin Lawrence, Emmanuel Barros, Cameron Walker, Steven Wynn, Jeramia Ortiz, Daniel Golda, Jonathan Pethick, Ryan Ewaszko, Taylor Silva, Joshua Argueta, Charles Bettencourt, Armando Giraldo, Steven Sanchez and Daniel Ojuri for their participation in the MABACH (Math-Basketball-Chess) Challenge held at Bishop Stang High School.

07/20/06 CITATION, Councillor Pina, honoring PAUL PELLETIER, in recognition of his Years of Service to the Residents of Boa Vista Housing Development as President of the Tenant Association for the past Six Years.

08/17/06 CITATION, Councillor Morad, honoring SPECIALIST ALVARO A. SANTOS, United States Army Reserve, 844th Engineering Battalion, a Heavy Construction Equipment Operator who served in support of Operation Iraqi Freedom in Kuwait from December 18, 2004 to December 12, 2005, and was awarded the Army Achievement Medal, the National Defense Service Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with “M” Device, Army Service Ribbon and the Overseas Service Ribbon.

08/17/06 CITATION, Councillor Pina, honoring BELMIRO FERNANDES, United States National Guard, in recognition of his serving our Country in Operation Iraqi Freedom from September 06, 2005 until July 6, 2006.

08/17/06 RESOLUTION, Council President Alves, recognizing AUGUST 09, 2006, as COMCAST/TOON DISNEY’S PASSPORT TO READING DAY IN NEW BEDFORD.

08/17/06 RESOLUTION, Council President Alves, honoring POLICE OFFICER PAUL FONSECA for his HEROIC ACTIONS AT THE SAVOY NURSING HOME FIRE – JULY 23, 2006.